

1 Greg Brower (Nevada Bar No. 5232)
2 Casey G. Perkins (Nevada Bar No. 12063)
3 SNELL & WILMER, L.L.P.
4 3883 Howard Hughes Parkway, Suite 1100
5 Las Vegas, NV 89169
6 Telephone: (702) 784-5200
7 Facsimile: (702) 784-5252
8 Email: gbrower@swlaw.com
9 Email: cgperkins@swlaw.com

10 Attorneys for Plaintiff
11 Materion Corporation

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 **MATERION CORPORATION**

Case No. 2:14-cv-02006- KJD-(GWF)

15 **Plaintiff,**

ORDER

16 **v.**

FOR PRELIMINARY INJUNCTION

17 **AQUA REGIA SOLUTIONS LLC, *et al.***

18 **Defendants.**

19 As the basis for this Stipulated Order for Preliminary Injunction, the parties
20 stipulate to the following facts:

21 1. On December 2, 2014, Plaintiff Materion Corporation ("Materion") filed this
22 action against Defendants Aqua Regia Solutions LLC, Asalient LLC, and Sundarajan Mutialu
23 (collectively "Defendants"), seeking, among other things, to protect the rights in and to certain
24 processes for removing precious metals from various substrates without damaging the substrate
25 that Plaintiff alleges it owns (the "Invention"), and to enjoin Defendants from acting in violation
26 of rights in and to the Invention that Plaintiff Materion has asserted;

27 2. On December 16, 2014, Materion moved for expedited discovery, on the ground
28 that it needed to assess whether to file a motion for a preliminary injunction;

1 3. Upon the application of Defendants, On January 27, 2015, the U.S. Patent and
2 Trademark Office issued a communication providing that (a) it was suspending action on U.S.
3 Patent Application No. 14/241,105 (the “105 application”) for a period of six months, and (b) if
4 further suspension or continuance of prosecution is required, the applicant is required to notify the
5 examiner at the end of the period;

6 4. On January 28, 2015, the Court held a hearing on Materion’s Motion for Expedited
7 Discovery, at which time Defendants proposed to obviate any need for expedited discovery by
8 stipulating to a preliminary injunction;

9 5. The Court deferred ruling on Materion’s Motion for Expedited Discovery to allow
10 the parties to negotiate and try to stipulate to a mutually acceptable preliminary injunction; and

11 6. This Order is intended to maintain the *status quo* and prevent what Plaintiff alleges
12 is irreparable harm to Materion while this matter is pending before the Court.
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14

15 As a further basis for Materion entering into this Stipulated Order for Preliminary
16 Injunction, Defendants make and certify the following representations:

17 1. Defendants have no employees;

18 2. To date, the only marketing or use of the Invention or related technologies or
19 services by any Defendant and any agents, representatives, attorneys, entities, or persons acting
20 on their behalf or in concert with any of them is the activity reflected on the website at the domain
21 name aquaregiasolutions.com (“Aqua Regia Solutions Website”), which went online starting
22 approximately November 6, 2014, was taken down in December 2014, and remains down. There
23 has been no other activity in connection with the Invention or related technologies or services by
24 any Defendant or any agents, representatives, attorneys, entities, or persons acting on their behalf
25 or in concert with any of them that would constitute, in whole or in part, using, selling, licensing,
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1 marketing, commercializing, assigning, communicating with prospective customers or investors,
2 or engaging in research and development;

3 3. There has been no assignment, license or sale of the Invention or any related
4 technologies or services to any Defendant or any agents, representatives, attorneys, entities, or
5 persons acting on their behalf or in concert with any of them; and
6

7 4. Defendants reasonably believe they have sufficient control over the prosecution of
8 the '105 patent application to compel continued suspension of examiner action on the application
9 with the USPTO. This control over the application is based upon the express representation of Dr.
10 Dedek, the patent's applicant, to Defendant Mutialu and his attorney, Thomas L. Peterson, that all
11 things necessary to protect Defendants from any adverse action by Plaintiff be done. Further, in
12 the event that Defendants or their counsel learn that Dr. Dedek seeks to conduct himself contrary
13 to his expressrepresentation, Defendants and their counsel will forthwith notify Dr. Dedek of the
14 adverse implications to Defendants of any such conduct. In the event that Defendants or their
15 counsel learn that Dr. Dedek has acted or intends to act in contravention of his representation , or
16 if Dr. Dedek terminates his relationship with Mr. Peterson, Defendants will forthwith notify
17 Plaintiff's counsel of such action .
18

19 **THEREFORE, IT IS HEREBY AGREED BY THE PARTIES AND ORDERED BY**
20 **THE COURT AS FOLLOWS:**
21

22 1. Defendants and all agents, representatives, attorneys, entities, or persons acting on
23 their behalf or in concert with them are hereby enjoined from: using, selling, licensing, marketing,
24 commercializing, assigning any rights in or to, communicating with prospective customers or
25 investors regarding, or engaging in research and development in connection with the Invention or
26 any related technologies or services.
27
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1 2. Defendants and all agents, representatives, attorneys, entities, or persons acting on
2 their behalf or in concert with them are hereby enjoined from prosecuting or assisting in the
3 prosecution of any domestic or foreign patent applications relating to any process for removing
4 precious metals from substrate without damaging the substrate including, without limitation, the
5 '105 application and EP Application No. 12772876.4.
6

7 3. If this action is pending thirty (30) days prior to the date the U.S. Patent and
8 Trademark Office's suspension of action on the '105 application is set to end, Defendants agree
9 to notify the examiner and request further suspension.

10 4. Defendants and all agents, representatives, attorneys, entities, or persons acting on
11 their behalf or in concert with them hereby agree to immediately take steps to preserve all
12 relevant documents and electronically stored information in their possession, custody, or control
13 including, without limitation, text messages, emails, and voice messages relating to the Invention
14 or related technologies or services. Defendants, on their own behalf and on behalf of and all
15 agents, representatives, attorneys, entities, or persons acting on their behalf or in concert with
16 them are shall certify compliance with this Paragraph in writing to Materion's counsel within
17 twenty-one (21) days of the entry of this Order.
18

19 5. By signing below, the undersigned counsel have the authority to enter into this
20 stipulation on behalf of their respective clients.
21

22 6. Discovery in this action shall proceed in the normal course. Materion's Motion for
23 Expedited Discovery is deemed withdrawn.

24 7. The parties shall conduct their discovery conference under Fed. R. Civ. P. 26(f) on
25 or before February 13, 2015.

26 8. The parties have agreed that security is not necessary in this instance and,
27 therefore, none is required.
28

1 **SO STIPULATED.**

2 Dated this ____ day of February, 2015.


3
4 Greg Brower (NV Bar No. 5232)
Casey Perkins (NV Bar No. 12063)
5 Snell & Wilmer
Hughes Center
6 3883 Howard Hughes Parkway
Suite 1100
7 Las Vegas, NV 89169

8 Attorneys for Plaintiff
MATERION CORPORATION

9
10 Steven J. Parsons (NV Bar No. 363)
Joseph N. Mott (NV Bar No. 12455)
11 Law Offices of Steven J. Parsons
7201 W. Lake Mead Blvd. Ste 108
12 Las Vegas, NV 98128-8354
(702) 384-9900
13 (702) 384-5900
Steve@SJPlawyer.com
14 JMott@SJPlawyer.com

15 Attorneys for Defendants
Aqua Regia Solutions LLC, Asalient LLC,
16 and Sundarajan Mutialu

17 **CERTIFICATION AS TO DEFENDANTS' REPRESENTATIONS:**

18 
19 Sundarjan Mutialu, individually and on behalf
20 of Aqua Regia Solutions LLC and Asalient LLC

21 **ORDER**

22 **IT IS SO ORDERED.**

23 Dated this ____ day of February, 2015.

24
25 U.S. DISTRICT/MAGISTRATE JUDGE

Dated this 5 day of February, 2015.

Attorneys for Plaintiff
MATERION CORPORATION

Steven J. Parsons (NV Bar No. 363)
LAW OFFICES OF STEVEN J. PARSONS
7201 W. Lake Mead Blvd. Ste 108
Las Vegas, NV 98128-8354
(702) 384-9900
(702) 384-5900
Steve@SJPlawyer.com

CERTIFICATION AS TO DEFENDANTS' REPRESENTATIONS:

ORDER

Dated this ____ day of February, 2015.

U.S. DISTRICT/MAGISTRATE JUDGE

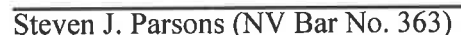
1 **SO STIPULATED.**

2 Dated this 6th day of February, 2015.

3 


4 Greg Brower (NV Bar No. 5232)
5 Casey Perkins (NV Bar No. 12063)
6 Snell & Wilmer
7 Hughes Center
8 3883 Howard Hughes Parkway
9 Suite 1100
10 Las Vegas, NV 89169

11 Attorneys for Plaintiff
12 MATERION CORPORATION

13 
14 Steven J. Parsons (NV Bar No. 363)
15 Joseph N. Mott (NV Bar No. 12455)
16 Law Offices of Steven J. Parsons
17 7201 W. Lake Mead Blvd. Ste 108
18 Las Vegas, NV 98128-8354
19 (702) 384-9900
20 (702) 384-5900
21 Steve@SJPlawyer.com
22 JMott@SJPlawyer.com

23 Attorneys for Defendants
24 Aqua Regia Solutions LLC, Asalient LLC,
25 and Sundarajan Mutialu

26 **CERTIFICATION AS TO DEFENDANTS' REPRESENTATIONS:**

27 
28 Sundarjan Mutialu, individually and on behalf
of Aqua Regia Solutiosn LLC and Asalient LLC

ORDER

IT IS SO ORDERED.

Dated this 13th day of February, 2015.

25 
26 U.S. DISTRICT/MAGISTRATE JUDGE